

60,130-1109  
01MRA0216**REMARKS**

Applicant thanks the Examiner for the remarks and analysis contained in the most recent Office Action. Claims 1-14 are cancelled. Claims 15, 16, 18 and 19 are amended above to address the Examiner's concerns under 35 U.S.C. §112. Claims 15-20 are currently pending in this application. Applicant respectfully requests reconsideration of this application.

The Examiner objected to the drawings, believing that they do not show the "duplex cam" assembly of claim 20. Applicant respectfully points the Examiner to the assembly 40 shown in Figures 1 and 2, which schematically illustrates a duplex cam arrangement. Duplex cam braking arrangements are generally known in the art and the illustration would be recognized as such by one skilled in the art.

The Examiner objected to the specification as not having antecedent basis for the claim language regarding a moveable driveline component and a stationary driveline component. The specification as originally filed included a description and the drawings included illustrations of stationary driveline components such as the transmission housing 22 and the axle assembly housing 54. A moveable driveline component such as the transmission output shaft 30 (i.e., a driveline shaft) was also described and illustrated. Applicant has amended paragraphs 14 and 17 of the specification above to place the exact words "moveable driveline component" and "stationary driveline component" into the body of the specification. No new matter has been entered. Applicant respectfully submits that the specification as originally filed provided proper antecedent basis and that the amendment to the specification merely provides word-for-word correspondence between the specification and the claims.

60,130-1109  
01MRA0216

Claims 15-20 were rejected under 35 U.S.C. §112 as being indefinite with regard to the moveable driveline component and stationary driveline component language. Applicant respectfully submits that the specification and drawings, as originally filed and understood by one skilled in the art, provide sufficient explanation for what constitutes a moveable driveline component and a stationary driveline component. The transmission housing, for example, does not move relative to other portions of the vehicle when it is fully assembled. The driveline output shaft 30 rotates relative to the transmission housing in a known manner and, therefore, constitutes a moveable driveline component because it moves relative to the stationary component and relative to other portions of the vehicle. It should be noted that the example stationary and moveable components are not the only such components with which the inventive arrangement can be used.

Applicant has also addressed the Examiner's concern regarding the language "another portion" contained in claim 15 as originally presented.

Applicant respectfully submits that the claims and specification are entirely consistent and proper under 35 U.S.C. §112.

The rejection of claims 1-14 is moot.

The rejection of claims 15 and 17-19 under 35 U.S.C. §102(e) as being anticipated by *Fleischer, et al.* is respectfully traversed. *Fleischer, et al.* specifically teaches in column 6, line 11-12, that it is for "actuating a wheel brake." That is not the same as a driveline parking brake that operates directly upon a moveable driveline component to selectively prevent such movement when the parking brake is applied. The claims are directed to a different braking application than that which is shown in

60,130-1109  
01MRA0216

*Fleischer, et al.* Applicant respectfully submits, therefore, that the claims are not anticipated.

Applicant respectfully traverses the rejection of claim 16 under 35 U.S.C. §103 based upon the combination of *Fleischer, et al.* with *Bae*. As noted, *Fleischer, et al.* does not disclose a driveline braking arrangement. The addition of the teachings of *Bae* does not remedy this problem. Even the combination is not the same as the claimed invention.

The rejection of claim 20 under 35 U.S.C. §103 as being unpatentable over the combination of *Bae* and *Fleischer, et al.* is also respectfully traversed. Applicant respectfully disagrees with the Examiner and submits that *Bae* does not disclose a moveable driveline component 27. In column 3, line 15, it is clear that the shaft 27 is a shaft about which the cam 25 of the braking arrangement moves. That is not a driveline component, but instead a brake system component. *Bae* is directed to a brake system only and nowhere provides any indication that it is useful for providing a parking brake feature that directly applies a braking force to a driveline component. *Fleischer, et al.* as noted above only applies to wheel brakes and the art does not in any regard suggest a parking brake arrangement for a vehicle driveline as claimed.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to

60,130-1109  
01MRA0216

being issued, Applicant's representative is willing to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS.

By: 

David J. Gaskey  
Registration No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

Dated: February 17, 2003

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to Examiner Melanie Torres, Patent and Trademark Office (Fax No. (703) 308-2571) on February 17, 2003.

  
Theresa M. Palmateer

N:\Clients\MERITOR\IP01109\PATENT\Response 2-17-03.doc

60,130-1109  
01MRA0216**APPENDIX 1****"VERSION WITH MARKINGS TO SHOW CHANGES MADE"**  
**IN THE SPECIFICATION**

Please amend paragraph 14 as follows:

[14] A vehicle driveline assembly 20 is partially shown in Figure 1. The transmission gearbox housing 22 houses a plurality of gears that are selectively engaged by moving a shift lever 24 in a conventional manner. The transmission housing 22 has an input side 26, which receives an input force from a vehicle engine. An output side 28 of the transmission includes an output shaft 30 that provides a driving force to wheels on the vehicle in a conventional manner. In this example, the transmission housing 22 is a stationary driveline component that remains stationary relative to the vehicle as known. The output shaft 30 rotates relative to the housing as known and, therefore, can be referred to as a moveable driveline component.

Please amend paragraph 17 as follows:

[17] Figure 2 illustrates an alternative embodiment where the parking brake assembly 40 is supported relative to an axle assembly 54 rather than at a location adjacent to the transmission gearbox housing 22. In this example, the housing of the axle assembly 54 can be referred to as a stationary driveline component and the shaft 30, which provides input to the axle assembly in a known manner, can be referred to as the moveable driveline component. Otherwise, the example of Figure 2 operates the same as that of Figure 1.

60,130-1109  
01MRA0216APPENDIX 2"VERSION WITH MARKINGS TO SHOW CHANGES MADE"  
IN THE CLAIMS

15. (Amended) A vehicle driveline parking brake assembly, comprising:
- a moveable driveline component;
  - a stationary driveline component that remains stationary relative to [another] a portion of a vehicle;
  - a braking member associated with the moveable driveline component such that the braking member remains stationary relative to the moveable driveline component;
  - an engaging portion associated with the stationary driveline component, the engaging portion is selectively moveable into a braking position where the engaging portion engages the braking member;
  - a spring that biases the engaging portion into the braking position; and
  - an electrically powered actuator that selectively moves the spring and releases the engaging portion out of the braking position.

16. (Amended) The assembly of claim 15, wherein the moveable driveline component comprises a driveline shaft and the braking member comprises a drum that is fixed for rotation on [a] the driveline shaft that is rotatable relative to the stationary driveline component.

60,130-1109  
01MRA0216

18. (Amended) The assembly of claim 15, wherein the stationary driveline component comprises a transmission housing and the engaging portion is at least partially supported on [a] the transmission housing such that when the engaging portion moves into the braking position, the braking member and the associated moveable driveline component does not move relative to the transmission housing.

19. (Amended) The assembly of claim 15, wherein the stationary driveline component comprises an axle assembly and the engaging portion is at least partially supported on [an] the axle assembly such that when the engaging portion moves into the braking position, the braking member remains stationary relative to the axle assembly.

N:\Clients\MERITOR\IP01109\PATENT\Response 2-17-03.doc